

California Emergency Management Agency



Fiscal Year 2010 Interoperable Emergency Communications Grant Program

California Supplement Federal Program Guidance and Application Kit

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SECTION 1—OVERVIEW

Federal Program Guidance and Updates	<p>The Department of Homeland Security (DHS), Office of Emergency Communication (OEC), and the Federal Emergency Management Agency (FEMA) Grant Programs Directorate (GPD) published the Interoperable Emergency Communications Grant Program (IECGP).</p> <p>The federal IECGP <i>Guidance and Investment Kit</i> may be obtained at: http://www.fema.gov/pdf/government/grant/iecgp/index.shtm. The DHS also issues information bulletins which provide grant updates, information, clarification, and requirements throughout the life of the grant.</p>
Information Bulletins	<p>Information Bulletins: http://www.fema.gov/pdf/government/grant/2010/fy10_iecgp_faq.pdf</p>
Purpose of California Supplement	<p>The <i>California Supplement</i> to the Federal Program Guidance is intended to complement, rather than replace, the Guidance published by DHS and GPD. The <i>Supplement</i> includes additional California policies and requirements applicable to FY 10 IECGP.</p>
Methodology-Local Awards	<p>The California Statewide Interoperability Executive Committee (CalSIEC) has been delegated the responsibility of establishing technical and operational policies for all current State Mutual Aid Radio frequencies administered by the California Emergency Management Agency (CalEMA), the new 700 MHz band, and any other spectrum recognized as being allocated for interoperability use by the Federal Communication Commission or the public safety community in California. This executive committee has also become a forum for nearly all issues regarding interoperable communications relative to public safety organizations, and is recognized in the California Statewide Communications Interoperability Plan (CalSCIP) as a guiding body in the coordination and implementation of California's interoperability efforts. For governance and regional interoperable communications planning purposes, CalSIEC has divided the state into four Planning Areas (PA)'s (please see the list of member Operational Areas (OA) per PA in "Planning Area Breakdown"). Due to its role in statewide interoperable communications, the total amount available to locals (\$4,384,400) California's entire FY 10 IECGP award (\$5,480,500) has been allocated based upon this governance structure, with decision making authority of a baseline amount (\$500,000), plus an additional amount based on risk, given to each PA. An elected subgrantee is only eligible for funds allocated to the PA it is a member of. (See PA breakdown below.) For more information regarding CALSIEC and the PA's please visit: http://www.CalEMA.ca.gov/calsiec.nsf/Content/D5792D242840C35D88257604006C211B?OpenDocument</p>

**Planning Area
Allocations**

Total Local Award: \$4,384,400

Planning Area Allocations

Northern \$548,050

Central \$635,738

Capitol-Bay \$1,227,632

Southern \$1,972,980

**Eligible
Subgrantees**

The California Emergency Management Agency (CalEMA) cannot award funds to CalSIEC PAs directly, therefore the eligible subgrantees that can be elected by each PA to receive FY 10 IECGP local awards are as follows:

Southern PA: San Diego UASI, Los Angeles/Long Beach UASI, Riverside UASI, Oxnard UASI, Santa/Ana Anaheim UASI

Capitol Bay PA: Bay Area SUASI; Sacramento UASI

Central PA: Fresno City

Northern PA: Any OA or Tribe within the PA (please see “Planning Area Breakdown” below)

(hereinafter these eligible subgrantees will be referred to as the “CalEMA Subgrantees”)

While the CalEMA Subgrantees are the only local entities able to receive IECGP directly from CalEMA, other local entities are still eligible for IECGP funds, but must have these funds administered by a CalEMA Subgrantee within the PA that it is a member of. This is still subject to federal requirements, state requirements, and any additional requirements made by the CalEMA Subgrantee that will be administering the funds (please see “Local Approval Authority” below). A CalEMA Subgrantee can only be awarded funds from the allocation made to the PA in which it is a member of, and the total award to all CalEMA Subgrantees within a PA cannot exceed the IECGP allocation to the PA as found in “Planning Area Allocations” (please see above). Not all CalEMA Subgrantees need to receive funds, as selected projects are meant to be reflective of regional collaboration, and it is highly recommended that each PA limit the number of subgrantees to the minimum necessary to complete selected investments.

**Application &
Planning Area
Approval
Authority**

For the FY 10 IECGP, CALEMA submitted an investment justification (IJ) on behalf of California to DHS on February 12, 2010. This IJ accounted for the State’s entire award and consisted of recommended projects from each of the PAs relative to their allocations. **All final local investments are subject to approval by the PA in which the potential recipient of IECGP funds is a member of. All selected projects, selected subgrantees, and required subgrantee materials as specified by this guidance must be submitted to CalEMA prior to the conclusion of a forty-five day period after the award of the grant is made to CALEMA by DHS**

**Additional
Requirements
to Receive
Funding**

Note the below differences with the FY10 IECGP compared to previous years:

- 1. Period of performance is now 36 months**
 - 2. The requirement that no more than 50% of the total program funds be used for personnel training has been removed.**
 - 3. The use of FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable under all active and future grant awards, unless otherwise noted. (Refer to “Other Allowable Costs” in the guidance kit.**
- **Before approving the allocation of funds to any other initiatives PAs must (for references to UASIs and their corresponding PAs, please see “Planning Area Breakdown” below):**
 - Fund the creation of any Tactical Interoperable Communications Plans (TICPs) for UASIs within the PA that do not already have a completed TICP and have not already dedicated funds to the completion such a plan
 - Fund the update of any existing UASI TICP if deemed necessary by the UASI owning the TICP and not having funds already dedicated to this purpose
 - Fund the exercise of any UASI TICP if deemed necessary by the UASI owning the TICP and not having funds already dedicated to this purpose
 - **In addition to requirements found in the federal guidance (Priority Group 1 and 2), before a PA can approve the use of FY 10 IECGP funds for equipment purchases by an entity within the PA, the entity wishing to purchase equipment must demonstrate to the PA:**
 - It has completed a TICP
 - Is part of a completed TICP
 - OR it has a timeline and sufficient funds to complete a TICP

(Note: The SAA & SWIC must certify that a recipient has fulfilled all the objectives of Priority Group 1 and 2 (listed below) to purchase interoperable communications equipment. Certifications will be made by CalEMA on an investment by investment basis under the advisement of the corresponding PA.)

 - Note that equipment purchases must be P25 compliant (*Contact your grant representative for further information*).

PRIORITY 1: Establishment of formal interoperable communications governance structures and common planning and operational protocols.

PRIORITY 2: Enhancement of emergency responders’ skills and capabilities through training and exercises.

- OR it has a timeline and sufficient funds to complete a TICP.

- FY10 IECGP has a 75% Federal and 25% State cost share, cash or in-kind requirement for any equipment purchases.

Planning Area Breakdown by Operational Areas	Northern PA: Butte; Colusa; Del Norte; Glenn; Humboldt; Lake; Lassen; Mendocino; Modoc; Nevada; Plumas; Shasta; Sierra; Siskiyou; Sutter; Tehama; Trinity; Yuba.
	Central PA: Fresno; Kern; Kings; Madera; Mariposa; Merced; Tulare;
	Capitol-Bay PA: Alameda; Alpine; Amador; Calaveras; Contra Costa; El Dorado; Marin; Monterey; Napa; Placer; Sacramento; San Benito; San Francisco; San Joaquin; San Mateo; Santa Cruz; Santa Clara; Solano; Sonoma; Stanislaus; Tuolumne; Yolo; <i>UASIs within this PA:</i> Bay Area UASI; Sacramento UASI
	Southern PA: Imperial; Inyo; Los Angeles; Mono; Orange; Riverside; San Bernardino; San Diego; San Luis Obispo; Santa Barbara; Ventura <i>UASIs located within this PA:</i> Santa Ana/Anaheim UASI; Los Angeles/Long Beach UASI; Riverside UASI; San Diego UASI; Oxnard UASI
Methodology-State Awards	CALEMA included all State investments in the IJ submitted on account of all California investments (see above). Members of the Public Safety Radio Strategic Planning Committee (PSRSPC) are the only state entities eligible for IECGP funds, however all State projects and subgrantees to receive FY 10 IECGP funds will be selected by the California Emergency Management Agency. Please contact Michael Crews for further details if you are a PSRSPC entity wishing to apply for IECGP funding. State awards and materials will be due before the conclusion of a forty-five day period after the IECGP funds are awarded to CalEMA by DHS.
<p style="text-align: center;">State Agency Allocations Total Award: \$1,217,873</p> <p style="text-align: center;">Allocation Breakdown Management and Administration: \$182,680 State Investments: \$1,035,193</p>	
Point of Contact	For information on how to get in touch with your PA and its selection process, please contact: <p style="text-align: center;">Michael Crews – Cal EMA michael.crews@ohs.ca.gov 916.845.8602</p>
M &A Costs	As required by the federal <i>IECGP Guidance and Investment Kit</i> three percent (3%) of the total award has been taken out of the State's share for management and administration. Grantees are not required to provide cash or in-kind match for FY 09 IECGP funds.
Tribal Governments	All subgrantees are encouraged to coordinate with Tribal governments to ensure that tribal needs are considered in the subgrantees' investments.
Public/Private Organizations	Subgrantees may contract with any other public or private organizations to perform eligible activities on approved projects.

SECTION 2 - TIMELINE

December 8, 2009	DHS announcement of FY 10 IECGP grant program
February 12, 2010	State Administrative Agency (SAA) investment submittal date
September 30, 2010	Tentative date of DHS award
45 Days from DHS Award	SAA Pass-Through Period
33 months from DHS Award Date	Subgrantee performance period ends
36 months from DHS Award Date	SAA Performance Period Ends Final requests for reimbursement due

SECTION 3—SUBGRANTEE INVESTMENTS

Materials

- **Completed CALEMA Financial Management Forms Workbook**

Investment Cover Sheet

Grant Management Roster

Project Ledger

Project Description

Project – A thru T

- Investment Justification - Goals and Objectives
- Project Description
- Need for Project
- Status of Project

Equipment Inventory Ledger

Training Roster

Planning Roster

Exercise Roster

Authorized Agent form with appropriate signatures

- **Fully Executed Governing Body Resolution - OA and UASI/SUASI**

CALEMA anticipates that FY 10 IECGP funds will be awarded on September 30, 2010. Per the federal guidance, CALEMA must pass-through FY 10 IECGP funds to subgrantees within 45 days of the DHS award. In acknowledgement of the limited flexibility some subgrantees expect in scheduling public hearings and other meetings to approve governing body resolutions, CALEMA has identified two alternative options to address the issue of having a limited amount of time to submit the governing body resolution.

Option 1: Governing bodies may pre-approve resolutions in excess of anticipated award amounts that identify pre-selected projects. Since our collective planning efforts are now year-round, subgrantees should already have a list of prioritized projects for funding.

Option 2: Submit verification of the submission to the governing body of the resolution required in the Guidance, and submit a final, approved resolution.

or

- **Fully Executed Signature Authority - State Agency only**

The **Financial Management Forms Workbook** can be found at <http://www.CaleMA.ca.gov>.

NOTE: Subgrantee awards will not be made until all required subgrantee materials have been approved by the State.

Regional Approach

Subgrantees must take a regional approach when determining the best use of FY 10 IECGP funds. Subgrantees must consider the needs of local units of government and applicable volunteer organizations in the projects and activities included in their FY 10 IECGP investment.

Subgrantee Investment Submission	<p>Completed financial management forms workbooks <u>including signed pages</u> must be submitted to :</p> <p>California Emergency Management Agency ATTN: Grant Management Section 3650 Schriever Ave. Mather, CA 95655</p>
Governing Body Resolution	<p>The <i>Governing Body Resolution</i> appoints agents authorized to execute any actions necessary for each subgrantee.</p> <p>NOTE: All subgrantees will be required to submit a new Governing Body Resolution with their FY 10 IECGP. A sample can be found in Appendix A –Appendices.</p>
Signature Authority	<p>The <i>Signature Authority</i> is used by public organizations such as State agencies to appoint agents authorized to execute any actions necessary for each subgrantee.</p> <p>NOTE: All subgrantees will be required to submit a new Signature Authority with their FY 10 IECGP. A sample Signature Authority can be found in Appendix B - Appendices.</p>
Grant Assurances	<p>The Grant Assurances form lists the requirements to which the subgrantees will be held accountable. These assurances are consistent with the special conditions issued with the federal grant award to the CALEMA. The grant assurances will be issued by CALEMA after the federal grant award is received and the federal special conditions are incorporated. Grant assurances are issued in PDF format to ensure accuracy. Only the PDF form issued by CALEMA will be accepted. A sample Grant Assurances can be found in Appendix C - Appendices.</p> <p>NOTE: All original documents with wet signatures should be mailed to CALEMA.</p> <p>Requests for reimbursement will not be honored until all subgrantee materials assurances have been received by CALEMA via US mail.</p>

SECTION FOUR—POST AWARD REQUIREMENTS

Post Award Modifications Post-award budget, scope and time modifications must be requested using the **CALEMA Financial Management Forms Workbook**, by the subgrantees' Authorized Agent, and submitted to the subgrantee's Program Representative in the Grant Administration Unit at the CALEMA. The subgrantee may implement the modifications, and incur associated expenses, after receiving written final approval of the modification from the State.

Modifications can be requested once per quarter during the grant performance period. Failure to submit modification requests, and receive written approval prior to expenditure, could result in a reduction or disallowance of that part of the grant.

Subgrantees must prepare and submit performance reports to the state for the duration of the grant performance period, or until all grant activities are completed and the grant is formally closed. Subgrantees must complete a Biannual Strategy Implementation Report (BSIR) using the GRT. <https://www.reporting.odp.dhs.gov>, and will also be required to submit additional information and data requested by the State.

Subgrantee Performance Reports Subgrantees who miss a single reporting deadline will receive a letter addressed to their Board of Supervisors or Governing Body informing them of the failure to report. Subgrantees who fail to report twice in a row will have subsequent awards reduced by ten percent (10%) until timely reporting is reestablished.

Monitoring Subgrantee Performance The State is currently conducting a program of subgrantee monitoring. The monitoring will be conducted on the subgrantees' administrative, programmatic and fiscal management of the grant(s).

These reviews may include, but are not limited to:

- Eligibility of expenditures.
- Comparing actual subgrantee activities to those approved in the subgrantee investment and subsequent modifications, if any.
- Ensuring that advances have been disbursed in accordance with applicable guidelines.
- Confirming compliance with:
 - Grant Assurances.
 - Information provided on performance reports and payment requests.
 - Needs and threat assessments and strategies.

It is the responsibility of all subgrantees to monitor and audit the grant activities of their sub recipients. This requirement includes, but is not limited, to onsite verification of grant activities as required.

Suspension or Termination

CALEMA may suspend or terminate subgrantee funding, in whole or in part, or other measures may be imposed for any of the following reasons:

- Failing to expend funds in a timely manner consistent with the grant milestones, guidance and assurances.
- Failing to comply with the requirements or statutory objectives of Federal or State law.
- Failing to make satisfactory progress toward the goals or objectives set forth in the subgrantee investment.
- Failing to follow grant agreement requirements or special conditions.
- Proposing or implementing substantial plan changes to the extent that, if originally submitted, the subgrantee investment would not have been selected for funding.
- Failing to submit required reports.
- Filing a false certification in the investment or other report or document.

Failing to adequately manage, monitor or direct the grant funding activities of their sub recipients.

Before taking action, CALEMA will provide the subgrantee reasonable notice of intent to impose corrective measures and will make every effort to resolve the problem informally

Closeout

CALEMA will close a subgrantee award after:

- Receiving a subgrantee Performance Report indicating that all approved work has been completed, and all funds have been disbursed;
- Completing a review to confirm the accuracy of reported information; and,
- Reconciling actual costs to awards, modifications and payments.

If the closeout review and reconciliation indicates that the subgrantee:

- Is owed additional funds, CALEMA will send the final payment automatically to the subgrantee.
- Did not use all funds received, CALEMA will issue an Invoice or Grant Modification letter to recover unused funds.

In the **Grant Closeout letter**, CALEMA will notify the subgrantee of the start of the record retention period for all programmatic and financial grant-related records.

NOTE: Failure to maintain all grant records for the required retention period could result in a reduction of eligible grant activities, and an invoice to return costs associated with the unsupported activities.

Payment Request Process To request reimbursement payment of FY 10 IECGP funds, complete a payment request form using the CALEMA Financial Management Forms Workbook and return it to the appropriate Program Representative in the Grant Administration Unit at the California Emergency Management Agency.

CALEMA Financial Management Forms Workbook

<http://www.CaleMA.ca.gov>

NOTE: Payments can only be made if the subgrantee has an approved subgrantee investment, valid Governing Body Resolution, Signature Authority, and valid Grant Assurances form.

State Contact Information All subgrantee submittals, related questions, comments and correspondence should be directed to the address below.

California Emergency Management Agency
ATTN: Grants Management Division
3650 Schriever Ave.
Mather, CA 95655

CALEMA Website

<http://www.CaleMA.ca.gov>

Grants Reporting Tool

Office for Domestic Preparedness, Grant Reporting Tool (GRT)
<https://www.reporting.odp.dhs.gov/>

Section Five - Appendices

A.) Governing Body Resolution – OA and UASI/SUASI

B.) Signature Authority – State Agency

C.) Grant Assurances – OA, UASI/SUASI/State Agency

Appendix A

Sample of Resolution

NOTE: A Subgrantee Investment request from the California Emergency Management Agency for federal grant funds is to include, at a minimum, the following information in a resolution. Subgrantee Investments has the option of including any additional information.

RESOLUTION NO. _____

A RESOLUTION APPROVING A SUBGRANTEE'S INVESTMENT FOR FUNDING FROM

THE _____ AND AUTHORIZING THE
(name of grant program)

EXECUTION OF A GRANT AGREEMENT AND AMENDMENTS

THERE TO WITH THE STATE OF CALIFORNIA FOR THE PURPOSES OF

THIS GRANT.

BE IT RESOLVED by the _____ of the
(governing body)

_____ as follows:
(applicant)

SECTION 1:

The _____ has reviewed and hereby approves Subgrantees Investment for:
(governing body)

_____ for up to \$ _____.
(name of grant program) (requested amount)

SECTION 2:

Be it resolved that _____ or
(authorized agent name/title)

_____ or _____

(authorized agent name/title)

(authorized agent name/title)

is hereby authorized and directed to act on the _____ behalf in all
(applicant's)

matters pertaining to this Subgrantees Investment.

PASSED AND ADOPTED at a meeting of the _____ of the
(governing body)

_____ held on _____.
(applicant) (date)

OFFICIAL ATTESTING TO THIS ACTION:

ATTEST:

Signature: _____

Instruction Sheet for the Governing Body Resolution

Purpose

The purpose of the Governing Body Resolution is to appoint individuals to act behalf of the governing body and the applicant.

Authorized Agent(s)

The Governing Body Resolution allows for the appointment of individuals or positions. For each person or position appointed by the governing body, submit the following information, with the resolution, to the State on the subgrantees letterhead:

- | | |
|----------------------------------------|-----------------------------------------|
| <input type="checkbox"/> Jurisdiction | <input type="checkbox"/> Telephone |
| <input type="checkbox"/> Grant Program | <input type="checkbox"/> Fax # |
| <input type="checkbox"/> Name | <input type="checkbox"/> Cell Phone # |
| <input type="checkbox"/> Title | <input type="checkbox"/> E-Mail Address |
| <input type="checkbox"/> Address | |
| <input type="checkbox"/> City | |
| <input type="checkbox"/> Zip Code | |

Authorized Agent Changes

- If the Governing Body Resolution identifies Authorized Agents by position and/or title, changes can be made by submitting new Authorized Agent information to the state.
- If the Governing Body Resolution identifies Authorized Agents by name, a new Resolution is needed when any changes are made. The information list above must also be submitted with the new Resolution.

Appendix B

Signature Authority

AS THE _____
(Secretary / Director / President / Chief Executive Officer)

OF THE _____,
(Name of Entity)

I hereby authorize the following individual(s) to execute for and on behalf of the named

entity, any actions necessary for the purpose of obtaining federal financial

assistance provided by the US Department of Homeland Security and subgranted through

the California Emergency Management Agency.

_____, *OR*
(Name or Title of Authorized Agent)

_____, *OR*
(Name or Title of Authorized Agent)

_____,
(Name or Title of Authorized Agent)

Signature _____

Title _____

Signed and approved this _____ day of _____, 20____

Appendix C

FY10 Grant Assurances

(All IECGP Applicants)

Name of Applicant: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for federal assistance, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the federal Department of Homeland Security and sub-granted through the State of California, California Emergency Management Agency (CALEMA).
2. Will assure that grant funds are only used for allowable, fair, and reasonable costs and is prohibited from transferring funds between programs (State Homeland Security Program, Urban Area Security Initiative, Citizen Corps Program, and Metropolitan Medical Response System).
3. Will give the federal government, the General Accounting Office, the Comptroller General of the United States, the State of California, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or awarding agency directives.
4. Agrees that funds utilized to establish or enhance state and local fusion centers must support the development of a statewide fusion process that corresponds with the Global Justice/Homeland Security Advisory Council (HSAC) Fusion Center Guidelines and achievement of a baseline level of capability as defined by the Fusion Capability Planning Tool.
5. Will provide progress reports and such other information as may be required by the awarding agency, including the Initial Strategy Implementation Plan (ISIP) within 45 (forty-five) days of the award, and update via a report in the Grant Reporting Tool (GRT) twice each year.
6. Will initiate and complete the work within the applicable time frame after receipt of approval from CALEMA.
7. Will comply with FEMA's codified regulation 44 Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, including the payment of interest earned on advances.

8. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.
9. Agrees that to the extent contractors or subcontractors are utilized, grantees and subgrantees shall use small, minority, women-owned, or disadvantaged business concerns and contractors or subcontractors to the extent practicable.
10. Will notify CALEMA of any developments that have a significant impact on award-supported activities, including changes to key program staff.
11. Will comply, if applicable, with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
12. Understands and agrees Federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the express prior written approval from FEMA.
13. Will comply with all federal statutes relating to Civil Rights and Nondiscrimination. These include but are not limited to:
 - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin.
 - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of gender.
 - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps.
 - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age.
 - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse.
 - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - g. §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records.
 - h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing.
 - i. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and
 - j. Title 44 CFR Parts 7, 16, and 19 relating to nondiscrimination.
 - k. The requirements on any other nondiscrimination statute(s) which may apply to the application.
 - l. Will, in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds or race, color, religion, national origin, gender, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office of Civil Rights, Office of Justice Programs.

- m. Will provide an Equal Employment Opportunity Plan, if applicable, to the Department of Justice Office of Civil Rights within 60 days of grant award.
 - n. Will comply, and assure the compliance of all its subgrantees and contractors, with the nondiscrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 USC 3789(d), or the Juvenile Justice and Delinquency Prevention Act, or the Victims of Crime Act, as appropriate; the provision of the current edition of the Office of Justice Programs Financial and Administrative Guide for Grants, M7100.1.
- 14. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601 et seq. (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs. These requirements apply to all interested in real property acquired for project purposes regardless of federal participation in purchases. Will also comply with Title 44 Code of Federal Regulations, Part 25, Uniform Relocation Assistance and Real Property Acquisition for Federal and federally-assisted programs.
- 15. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 (ten thousand dollars) or more.
- 16. Will comply with all applicable Federal, State, and local environmental and historical preservation (EHP) requirements. Failure to meet Federal, State, and local EHP requirements and obtain applicable permits may jeopardize Federal funding. Will comply with all conditions placed on any project as the result of the EHP review; any change to the scope of work of a project will require re-evaluation of compliance with these EHP requirements.
- 17. Agrees not to undertake any project having the potential to impact the EHP resources without the prior written approval of FEMA/CALEMA, including but not limited to communications towers, physical security enhancements, new construction and modifications to buildings that are 50 (fifty) years old or more. Any construction related activities initiated prior to full environmental and historic preservation (EHP) review will result in a non-compliance finding. If ground disturbing activities occur during the project implementation, the recipient must ensure monitoring of the ground disturbance and if any potential archeological resources are discovered, the recipient will immediately cease activity in that area and notify CALEMA/FEMA and the appropriate State Historic Preservation Office.
- 18. Will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of this project are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities, and will notify CALEMA and the Federal Grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
- 19. Will provide any information requested by FEMA/CALEMA to insure compliance with applicable laws including the following:
 - a. Institution of environmental quality control measures under the National Environmental Policy Act, National Historical Preservation Act, Archaeological and Historic Preservation Act, Endangered Species Act, and Executive Orders on Floodplains

- (EO11988), Wetlands (11990) and Environmental Justice (12898) and Environmental Quality (EO11514).
- b. Title 44 CFR Parts 9 and 10, referencing floodplain management and environmental considerations.
 - c. Notification of violating facilities pursuant to EO 11738.
 - d. Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.).
 - e. Conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.).
 - f. Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523).
 - g. California Environmental Quality Act (CEQA). California Public Resources Code Sections 21080-21098. California Code of Regulations, Title 14, Chapter 3 Section 15000-15007.
 - h. Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
 - i. Applicable provisions of the Coastal Barrier Resources Act (P.L. 97-348) dated October 19, 1982 (16 USC 3501 et seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.
 - j. Will comply with all conditions placed on any project as the result of the EHP review; any change to the scope of work of a project will require re-evaluation of compliance with these EHP requirements.
 - k. Agrees not to undertake any project having the potential to impact the EHP resources without the prior written approval of FEMA/CALEMA, including but not limited to communications towers, physical security enhancements, new construction and modifications to buildings that are 50 (fifty) years old or more.
20. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code, Chapter 7 of Division 1 of Title 2, Section 8607.1(e) and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
21. Agrees that all publications created or published with funding under this grant shall prominently contain the following statement: *"This document was prepared under a grant from FEMA's Grant Programs Directorate, U.S. Department of Homeland Security. points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate or the U.S. Department of Homeland Security."* The recipient also agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: *"Purchased with funds provided by the U.S. Department of Homeland Security."*
22. Has requested through the State of California, federal financial assistance to be used to perform eligible work approved in the submitted application for federal assistance and after the receipt of federal financial assistance, through the State of California, agree to the following:
- a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by the federal or state government.
 - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California.
 - c. Separately account for interest earned on grant funds, and will return all interest earned, in excess of \$100 per federal fiscal year.

23. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Sections 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
24. Will comply with provisions of the Hatch Act (5 U.S.C. Sections 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.
25. Will comply, if applicable, with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
26. Will comply, if applicable, with the Laboratory Animal Welfare Act of 1966 (P. L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
27. Will comply with the minimum wage and maximum hour provisions of the Federal Fair Labor Standards Act (29 U.S.C. 201), as they apply to employees of institutions of higher education, hospitals, and other non-profit organizations.
28. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. Section 276a to 276a-7), the Copeland Act (40 U.S.C. Section 276c and 18 U.S.C. Sections 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. Sections 327-333), regarding labor standards for federally assisted construction sub-agreements.
29. Agrees that:
 - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal grant or cooperative agreement.
 - b. If any other funds than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a Member of Congress in connection with the federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
 - c. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers including subgrants, contracts under grants and cooperative agreements, and subcontract(s) and that all sub recipients shall certify and disclose accordingly.
 - d. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
30. Agrees that equipment acquired or obtained with grant funds:

- a. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant, and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
 - b. Is consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy.
31. Agrees that funds awarded under this grant will be used to supplement existing funds for program activities, and will not supplant (replace) non-federal funds.
32. Will comply with all applicable Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars A-21, A-87, A102, A-110, A-122, and A-133, E.O. 12372 and the current Administrative Requirements, Cost Principles, and Audit Requirements. Will also comply with Title 28, Code of Federal Regulations, Parts 66 and 70, that govern the application, acceptance and use of Federal funds for federally assisted projects.
33. Will comply with the provisions of 44 CFR including:
 - a. Part 4, Intergovernmental review of FEMA programs and activities
 - b. Part 7, Nondiscrimination in federally assisted programs
 - c. Part 8, National security information
 - d. Part 9, Floodplain management
 - e. Part 10, Environmental considerations
 - f. Part 13, Uniform administrative requirements for grants
 - g. Part 14, Administration of grants, audits of local governments
 - h. Part 16, Enforcement of nondiscrimination in FEMA programs
 - i. Part 17, Debarment and suspension
 - j. Part 18, New restrictions on lobbying
 - k. Part 25, Uniform relocation
 - l. All other parts of CFR 44
34. Will comply with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
35. Agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement.
36. Will maintain procedures to minimize the time elapsing between the award of funds and the disbursement of funds.
37. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide and the current US Department of Homeland Security (DHS) Financial Management Guide.
38. Agrees that all allocations and use of funds under this grant will be in accordance with the FY2009 Interoperable Emergency Communications Grant Program and Application Kit, and the California Supplement to the FY2009 Interoperable Emergency Communications Grant Program

and Application Kit. All allocations and use of funds under this grant will be in accordance with the Allocations, and use of grant funding must support the goals and objectives included in the State and/or Urban Area Homeland Security Strategies as well as the investments identified in the Investment Justification submitted as part of the California FY2009 Interoperable Emergency Communications Grant Program application. Further, use of FY10 funds is limited to those investments included in the California FY10 Investment Justification submitted to DHS/FEMA and evaluated through the peer review process.

39. Acknowledges that FEMA reserves a royalty-free, non exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for Federal government purposes: a) the copyright in any work developed under an award or sub-award; and b) any rights of copyright to which a recipient or sub-recipient purchases ownership with Federal support. The recipient agrees to consult with GPD regarding the allocation of any patent rights that arise from, or are purchased with, this funding.
40. Will not make any award or permit any award (subgrant or contract) to any party which is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549 and 12689, "Debarment and Suspension."
41. As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 17, for prospective participants in primary covered transactions,
 - a. The applicant certifies that it and its principals:
 - (i) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency.
 - (ii) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
 - (iii) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
 - b. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.
42. Agrees to comply with the Drug-Free Workplace Act of 1988, and certifies that it will or will continue to provide a drug-free workplace by:
 - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in

the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

- (b) Establishing an on-going drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace.
 - (2) The grantee's policy of maintaining a drug-free workplace.
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to:

Department of Justice, Office of Justice Programs,
ATTN: Control Desk,
633 Indiana Avenue, N.W.,
Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected grant.

- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted.
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

43. Will comply with all applicable requirements of all other federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.

44. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent:_____

Printed Name of Authorized Agent:_____

Title:_____ Date:_____